

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1316

**AN ORDINANCE ADDING REGULATIONS FOR OUTDOOR BURNERS/BOILERS
TO THE SOUTH ST. PAUL CITY CODE**

The City Council of the City of South St. Paul does ordain:

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 110, Article 9, Sections 110-151 and 110-152 are hereby added:

Sec. 110-151. Definitions.

Outdoor Burner/Boiler means a freestanding device designed, intended or used for the burning of wood or other biomass materials including, but not limited to, wood pellets or corn that is located outside of the structure or building for which it is primarily designed and intended to provide heat through pipes, pumps or other apparatus by distributing, transferring or conveying heated fluids or gases. This definition includes, but is not limited to, the following commonly described devices: outdoor wood burners, outdoor wood boilers, outdoor wood boiler systems, outdoor wood burning furnaces, outdoor wood heaters, outdoor wood fired boilers, and outdoor wood fired furnaces as well as outdoor burners, outdoor boilers, outdoor boiler systems, outdoor furnaces, outdoor boilers and outdoor heaters.

Outdoor burner/boiler does not include fire pits, recreational fires or fireplaces. Outdoor burner/boiler does not include any device burning wood or other biomass materials that is primarily designed, intended or used to heat the structure within which the device is located. Outdoor burner/boiler does not include any heating device that uses gas or oil as a primary fuel source.

Sec. 110-152. Restrictions For Outdoor Burners/Boilers.

The requirements and regulations specified in this chapter shall be subject to the following:

- (a) *Findings.* The City Council of the City of South St. Paul adopts the following findings concerning outdoor burners/boilers and the need to prohibit new outdoor burners/boilers:
 - (1) Wood smoke is one of the chief causes of certain types of air pollution in the United States. (“Smoke Gets In Your Lungs: Outdoor Wood Boilers in

New York State:, Elliot Spitzer, attorney general of New York state, environmental protection bureau, August 2005, p. 6)

- (2) Residential wood smoke contains fine particles and toxic air pollutants (e.g., benzene and formaldehyde). (“Strategies For Reducing Residential Wood Smoke”, outreach and information division, air quality planning division, office of air quality planning and standards, U.S. environmental protection agency, October 29, 2009, p. 4)
- (3) Outdoor wood burners/boilers may emit significant pollution because the basic design of the outdoor wood burner/boiler causes fuel to burn incompletely, or smolder, which results in thick smoke and high particulate emissions. (“Smoke Gets in Your Lungs: Outdoor Wood Boilers In New York State:, Elliot spritzer, attorney general of New York state, environmental protection bureau, August 2005, p. 5)
- (4) Smoke emitted from outdoor wood burners/boilers can cause or contribute to short term health harms such as eye, nose throat, and lung irritation, coughing and shortness of breath, and may exacerbate asthma or trigger asthma attacks. (“Smoke Gets In Your Lungs: Outdoor Wood Boilers In New York State”, Elliot Spitzer, attorney general of New York state, environmental protection bureau, August 2005, p. 5).
- (5) Chronic exposure to smoke can cause long term effects such as asthma, hearth and lung diseases, and cancer. (“Smoke Gets In Your Lungs: Outdoor Wood Boilers In New York State”, Elliot Spitzer, attorney general of New York state, environmental protection bureau, August 2005, p. 5).
- (6) There is public concern about the use of older technology hydronic heaters (also known as wood boilers) and their growing use, particularly in the Northeast and Midwest (“Strategies for Reducing Residential Wood Smoke”, outreach and information division, air quality planning division, office of air quality planning and standards, U.S. environmental protection agency October 29, 2009, p. 4).
- (7) As traditional sources of fuel (e.g., natural gas and heating oil) prices have gone up over the last several years, the purchase and use of wood fired hydronic heaters, also known as “outdoor wood boilers” have increased. (“Strategies For Reducing Residential Wood Smoke”, outreach and information division, office of air quality planning and standards, U. S. environmental protection agency, October 29, 2009, p. 6).
- (8) Outdoor wood burner/boiler chimneys are often short and thus do not carry the smoke past the heights of neighboring homes, thus resulting in undispersed smoke and more concentrated pollution at lower elevations. (“Smoke Gets In Your Lungs: Outdoor Wood Boilers In New York State,

Elliot Spitzer, attorney general of New York state, environmental protection bureau, August 2005, p. 5, 12).

- (9) The United States environmental protection agency does not currently regulate the manufacture, sale, or efficiency claims of outdoor wood burners/boilers. (“Smoke Gets In Your Lungs: Outdoor Wood Boilers In New York State, Elliot Spitzer, attorney general of New York state, environmental protection bureau, August 2005, p. 17).
 - (10) In light of the significant harm that wood smoke can present, the City Council finds that the burning of other similar plant based materials poses similar risks when burned in outdoor burners/boilers.
 - (11) Given the potential for significant harm to residents’ health, the city council hereby finds and declares that outdoor burners/boilers constitute a public nuisance.
- (b) *Prohibition of New Outdoor Burners/Boilers:* From and after April 23, 2017, outdoor burners/boilers are prohibited subject to subsection (c) of this section.
 - (c) *Prohibition of Use and Operation of Existing Outdoor Burners/Boilers:* The owner of an existing outdoor burner/boiler must not use or operate the outdoor burner/boiler from *and* after May 31, 2019.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The purpose of this ordinance is to prohibit outdoor burners/boilers.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: April 17, 2017

Published: April 30, 2017

Christy Wilcox, City Clerk